

### REMARKS

By this amendment, claims 1, 5, 12, 14, 22, and 26 have been amended. Claims 9-11, 18-21, and 28-29 have been canceled. Claims 1-8, 12-17, and 22-27 are pending in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications. Applicant's representative would like to thank the Examiner for speaking with her on March 18, 2007.

Non-elected claims 9-11, 18-21, and 28-29 have been canceled to further prosecution without prejudice to their underlying subject matter.

The drawings stand objected to as failing to show "a first step of outputting" and "a third step of creating provisional information." The "first step of outputting" is shown in FIG. 4, where the host is informed of completion of formatting (S401) before the disc is initialized (S407). The "third step of creating provisional information" is shown in FIG. 7, where formatting disc control block (FDCB) information is created (S483). Similarly, "a termination information output part" and a "response part creating provisional information" are shown in FIG. 1, in which optical disc device 20 implements the flowcharts of FIGs. 4 and 7. Applicant respectfully requests that the objection to the drawings be withdrawn.

Claims 1-7, 12-17, and 22-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto (JP-2001-43663). This rejection is respectfully traversed.

Claims 1 recites, *inter alia*, "a first step of outputting termination information indicative of termination of the initialization of an information recording medium before said initialization starts; and a second step of starting the initialization of the information recording medium at a predetermined timing after the output of the

termination information” (emphasis added). Applicant respectfully submits that Hashimoto does not disclose these limitations.

To the contrary, Hashimoto discloses that “[i]mmmediately after the formatting process for the optical disc 1 is started, the controller 9 outputs ... a message to a host computer so as to notify a user ... that the formatting process has been completed.” Col. 8, ln. 33. Applicant respectfully submits that Hashimoto does not disclose, teach, or suggest outputting termination information before initialization of the recording medium, then initializing the medium, as recited in claims 1, 12, and 22.

Conventionally, once a drive starts formatting, a host recognizes that the drive is performing the formatting operation until the drive informs the host of completion of the formatting, and thus the host does not accept any reproduction request and/or recording request for the drive from a user. Conversely, according to the claimed invention, a drive informs a host of completion of formatting regardless of whether the formatting actually starts or not, and thus the host can recognize that a medium has been formatted. After that, the drive starts the formatting operation at an arbitrary moment without the host’s recognizing it. Thus, the claimed invention enables the host to accept a reproduction request and/or a recording request for the drive from a user even during formatting.

Furthermore, the Office Action asserts (p.7) that “[i]f a wrong disc is inserted in the system for which that system is not designed, the system simply spits that disc out....” Also, the Office Action indicates at p.7 that this is described in paragraph [0030] of Hashimoto. However, this description of Hashimoto relates to some techniques of ejecting a disc after the start of the formatting. On the other hand, in the claimed invention the system “start[s] the initialization of the information recording medium” after informing a host, and can then process the disc without ejecting.

Therefore, Applicant respectfully submits that Hashimoto does not disclose, teach, or suggest outputting termination information before initialization of the recording medium, then initializing the same medium, as in claims 1, 12, and 22.

Since Hashimoto does not disclose all the limitations of claims 1, 12, and 22 recite, claims 1, 12, and 22 are not anticipated by Hashimoto. Claims 2-7, 13-17, and 23-27 depend, respectively, from independent claims 1, 12, and 22, and are patentable at least for the reasons mentioned above, and on their own merits. Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of claims 1-7, 12-17, and 22-27 be withdrawn and the claims allowed.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto. This rejection is respectfully traversed. Claim 8 depends from claim 1 and is patentable at least for the reasons mentioned above, and on its own merits. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claim 8 be withdrawn and the claim allowed.

In a recent telephone interview, the Examiner indicated he was considering, although had not yet cited or made rejection in light of, a new reference, JP 04-178965. Applicant respectfully submits that the reference does not teach or suggest starting the initialization of the information recording medium after the output of the termination information, as recited in claims 1, 12, and 22.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

Rachael Lea Leventhal

Registration No.: 54,266

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant